

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of:

Amendment of Part 25 of the Commission's
Rules to Establish Rules and Policies
Pertaining to the Second Processing Round
of the Non-Voice, Non-Geostationary Mobile
Satellite Service

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IB Docket No. 96-220

DOCKET FILE COPY ORIGINAL

MOTION FOR DEFERRAL

Leo One USA Corporation ("Leo One USA") and CTA Commercial Systems, Inc. ("CTA") (jointly the "Applicants"), by their counsel, hereby request that the Commission defer the date for filing amendments to the pending second round Non-Voice, Non-Geostationary Mobile Satellite Service ("NVNG MSS") applications until 30 days after the date of the release of the Report and Order adopting new rules for the NVNG MSS.

The Commission's Notice of Proposed Rule Making in the above-referenced proceeding instructed second round NVNG MSS applicants to submit by December 16, 1996 amended applications conforming to the technical parameters proposed in the Notice.¹ The Commission subsequently extended that deadline until January 27, 1997.² The Commission adopted this approach to require submission of amendments prior to release of final, revised service rules "in

¹ *Amendment of Part 25 of the Commission's Rules to Establish Rules and Policies Pertaining to the Second Processing Round of the Non-Voice, Non-Geostationary Mobile Satellite Service*, IB Docket No. 96-220, *Notice of Proposed Rule Making* (Oct. 29, 1996) ("Notice") at ¶105.

² *Order*, DA 96-1989 (Nov. 27, 1996).

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order to expedite the licensing process and grant licenses as quickly as possible."³ This action would expedite licensing, however, only if the final rules closely mirror the proposed rules contained in the Notice.

A review of the December 20, 1996 comments filed in response to the Notice indicates there is a consensus among the NVNG MSS applicants that the Commission needs to modify the spectrum proposals made in the Notice. The commenting parties agree that the Commission's proposal to divide the spectrum in a manner that would create Little LEO System 1, Little LEO System 2 and Little LEO System 3 does not maximize the public benefits from use of the limited spectrum available for NVNG MSS systems. As a result, the commenting parties offer alternatives to the Commission's proposal.

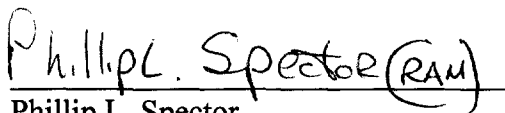
Although the Applicants do not know which of the proposals submitted in the comments will form the basis of the Commission's revised rules, the Applicants are confident the Commission will conclude the public interest will best be served by changing, probably significantly, the proposal contained in the Notice. Given the likelihood that the proposal will be modified, the Applicants believe requiring submission of the January 27, 1997 amendments would be a waste of the time and resources of the Commission and the Applicants. The January 27, 1997 amendments would become moot once the Commission adopts its final rules and invites additional amendments to conform to the final rules.

³ Notice at ¶105.

The Applicants believe that the Commission can maintain its existing schedule to adopt new rules in late February⁴ and issue licenses shortly thereafter if amendments are filed 30 days after release of the Report and Order in this proceeding. This timetable for submission of amendments would be consistent with the schedule used by the Commission in the Big LEO proceeding.⁵

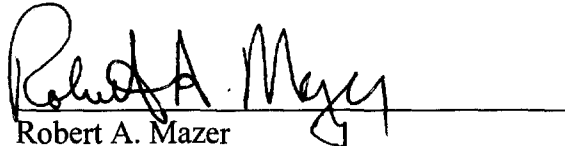
For all the above reasons, the Applicants respectfully request that the Commission grant this Motion.

Respectfully submitted,

 (RAM)

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Dated: January 6, 1997

⁴ See Letter from Chairman Reed E. Hundt to the Honorable Chet Edwards, November 7, 1996 which indicates that the Final Order in this proceeding will be issued in February 1997.

⁵ See *Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610 - 1626.5/2483.5 - 2500 MHz Frequency Bands*, 9 FCC Rcd 5936 (1994) at para. 230. (Big LEO Report and Order). The Commission released this Report and Order on October 14, 1994. Amendments were required to be filed thirty days later on November 16, 1994, and licenses were issued on January 31, 1995. Additionally, if the Commission processes the pending NVNG MSS applications on a time line consistent with that used in the Big LEO proceeding, licenses can be issued within three and one-half months from the date the Commission releases the Report and Order.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Deferral of Leo One USA Corporation was sent by first-class mail, postage prepaid, this 6th day of January, 1997, to each of the following:

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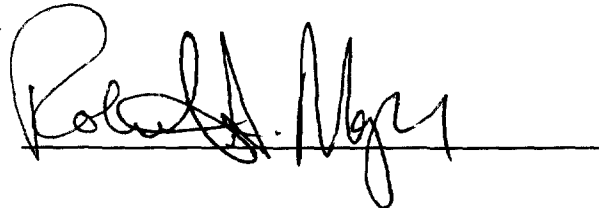
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A handwritten signature in black ink, appearing to read "Robert A. Meyer", is written over a horizontal line.